

Mailed 10/15/01

Decision 01-10-026 October 10, 2001

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Sacramento, to
Construct an At-Grade Bicycle Crossing Across
the Tracks of the Sacramento Southern Railroad
in the City and County of Sacramento, State of
California.

Application 00-06-006
(Filed June 5, 2000)

ORDER OF DISMISSAL

The City of Sacramento (City) requests authority to construct a new at-grade bicycle and pedestrian crossing across the tracks of the Sacramento Southern Railroad. The proposed crossing would provide public access to the R Street and Sacramento River Bicycle System.

On June 22, 2000, the Commission received a letter from Jonathan Williams, Chief Ranger, of the Department of Parks and Recreation, State of California, raising four concerns with this Application. On June 27, 2000, the Railroad Crossing Engineering Staff (Staff) of the Railroad Safety and Carriers Division contacted Thomas Morris of the City advising him that the Application was incomplete and that the City must file the legal description of the crossing with the crossing number and maps identifying the location of the crossing. No submissions were forthcoming from the City, and Staff again contacted Morris of the City on October 2, 2000, requesting the missing information. Staff was advised that the additional information would be submitted along with a copy of the Notice of Determination.

The City failed to submit the requested documents and on February 2, 2001, Staff contacted the City again requesting the previously described documents. Staff left a message for Morris of the City with this request.

After four weeks, on March 6, 2001, Staff left another message for Morris requesting a status update on the Application and advising Morris that the Application may be dismissed if a response was not forthcoming.

On March 27, 2001, Staff advised the City in writing that if no response was received by April 20, 2001, the Application would be dismissed. On April 23, 2001, Morris advised the Staff by phone that he had all the requested documents for submission and agreed to a meeting on April 25, 2001, for submission of the documents and a status update on the Application.

On April 25, 2001, Morris advised Staff that he had vehicle problems and could not make the meeting on that date. Twenty-four to forty-eight hours thereafter, Staff left a message for Morris asking him to withdraw the Application for later refiling once all the documents were ready for submission.

Finally, on May 2, 2001, Staff left a message for Morris asking that he contact Staff as soon as possible. Staff has had no contact with Morris or the City since then and the required submissions have not been made by the City.

The draft decision of Examiner Koss in this matter was mailed to the parties in accordance with Public Utilities Code Section 311(g)(1) and Rule 77.7 of the Rules of Practice and Procedure. No comments were filed.

IT IS ORDERED that:

1. Application 00-06-006 is dismissed for lack of prosecution.

2. This proceeding is closed.

This order is effective today.

Dated October 10, 2001, at San Francisco, California.

LORETTA M. LYNCH
President
HENRY M. DUQUE
RICHARD A. BILAS
CARL. W. WOOD
GEOFFREY F. BROWN
Commissioners